

REMARKS

Upon entry of the amendments, claims 1-31, 37-39 will be pending. Claims 1, 21, 26 and 37 have been amended to more clearly recite reference to the computer model previously present in the claims. No new matter has been added.

Applicants gratefully acknowledge the allowance of claims 22-25 and 38-39.

Claim Rejections - 35 USC § 101

Claims 1-21, 26-31, and 37 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Applicants respectfully disagree with the rejections. Claim 1, for example, recites a computer-implemented method for separating gingival from a tooth on a computer model of the gingival and the tooth. It is unclear why the Examiner would consider this a method performed mentally, verbally or without a machine and without any transformation apparent. Nevertheless, while Applicants respectfully disagree with the rejections and do not acquiesce to any reasoning provided in the Office action, claims 1, 21, 26, and 37 have been amended to more clearly recite reference to the computer model, and to further advance prosecution of the present case.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-21, 26-31, and 37 under 35 USC §101.

Claim Rejections - 35 USC § 112

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse the rejection. The basis of the rejection appears to be the statement that claim 21 invokes 35 U.S.C. §112, sixth paragraph and the allegation that written description support is lacking in the specification as filed (even though the basis of the rejection is indefiniteness). Applicants, however, respectfully point out that written description

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support for corresponding structure can be found in the specification as filed at least at Figure 14 and paragraphs 0085-0093. As such, one skilled in the art would be able to ascertain the meets and bounds of the invention as defined by claim 21 and corresponding written description in the specification.

Accordingly, Applicants respectfully request that the rejection of claim 21 under 35 U.S.C. §112, second paragraph be withdrawn and the claim allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: _____

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By: _____



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